

AO 91 (Rev. 1/1/21) Criminal Complaint

AUSA Shawn McCarthy (312) 353-8881

FILED**7/10/2023**THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

AMIN BETUNI

CASE NUMBER: 23 CR 392
UNDER SEAL**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about December 21, 2022, at Palos Hills, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

*Code Section*Title 18, United States Code, Section
922(o)*Offense Description*

possession a machinegun

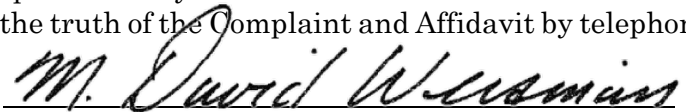
This criminal complaint is based upon these facts:

X Continued on the attached sheet./s/ Daniel Nugent (MDW with permission)

DANIEL NUGENT

Special Agent, Homeland Security Investigations
(HSI)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: July 10, 2023

Judge's signature
City and state: Chicago, Illinois
M. DAVID WEISMAN, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, DANIEL NUGENT, being duly sworn, state as follows:

1. I am a Special Agent with Homeland Security Investigations (“HSI”), an agency within the United States Department of Homeland Security. I have been so employed for over 14 years. Before this, I was a Customs and Border Protection Officer for approximately 5 years.

2. This affidavit is submitted in support of a criminal complaint alleging that AMIN BETUNI has violated Title 18, United States Code, Section 922(o). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging BETUNI with possession of a machinegun, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, results of multiple search warrants, and information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts.

FACTS SUPPORTING PROBABLE CAUSE

Glock Auto-Sears in BETUNI's iCloud Account

4. According to Apple records an iCloud account in the name of aminbetuni@icloud.com ("Subject Account 1"), is associated with BETUNI, at his residence located in Palos Hills, Illinois (the "Subject Premises") and Subject Phone 1. According to Verizon records, Subject Phone 1 is subscribed to Amin BETUNI at the Subject Premises. On February 21, 2023, Magistrate Judge Fuentes signed search warrant 23 M 175 authorizing the search of Subject Account 1.

5. During a review of Subject Account 1, agents located numerous photographs of what appeared to be BETUNI¹ and a young child holding various rifles affixed with drum magazines, pictures and videos of what appeared to be BETUNI with rifles equipped with silencers and photographs of pistols with what appeared to be Glock auto-sear switches affixed to them. Based on my training and experience, I know that a Glock auto-sear switch, also called a "switch" or an "auto-sear," is attached to the slide of a Glock handgun in place of the back slide plate and allows the firearm to function as a machinegun². Photos from BETUNI's iCloud

¹ Law enforcement identified BETUNI based on comparison to his State of Illinois driver's license photograph, United States Passport photograph, and an in-person law enforcement interview on December 22, 2022.

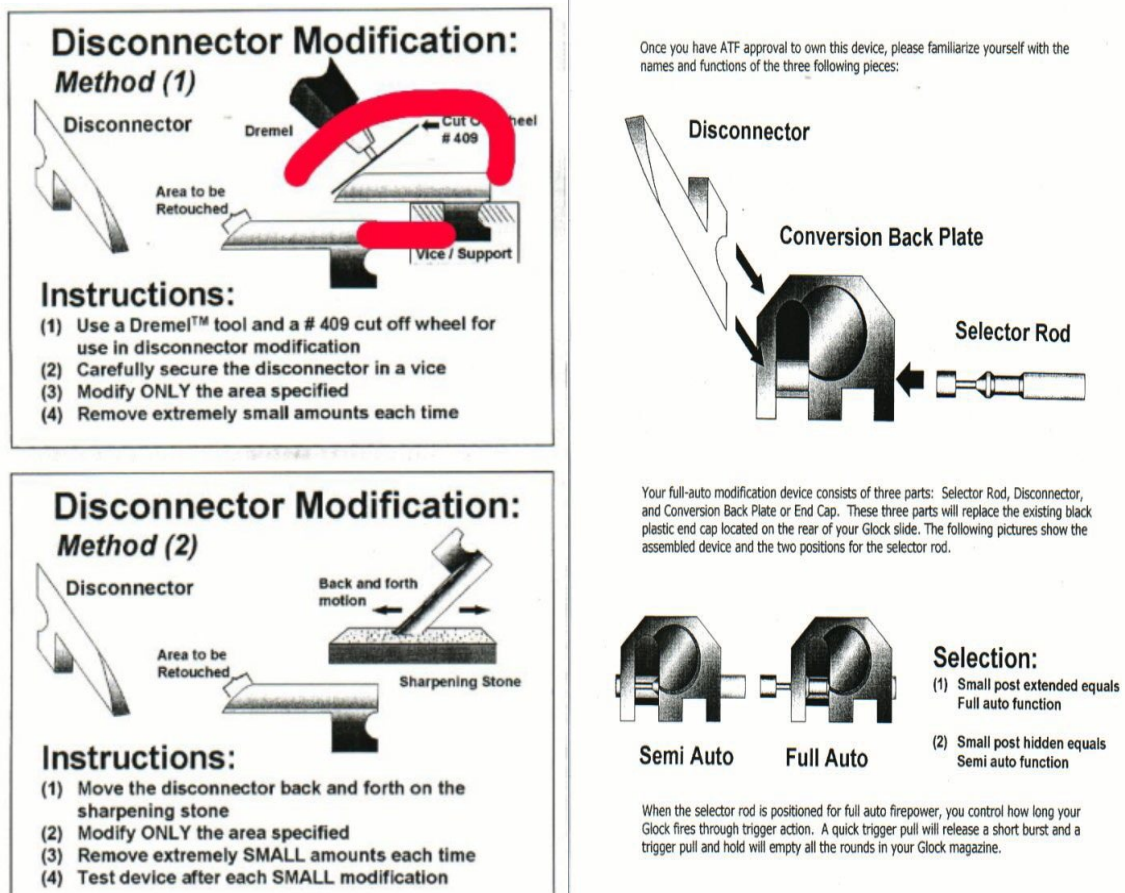
² The National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines "machinegun" as "any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

account showing pistols equipped with Glock auto-sear switches are pasted below. Based on a review of Subject Account 1 the below photos were last modified in the iCloud account between 2017 and 2018 and remained saved to the iCloud account as of on or about March 17, 2023. In the photo immediately below, the red arrow appeared in the original photo retrieved from Subject Account 1. Based on my training and experience, the red arrow is identifying an area that may need modification for the Glock auto-sear switch to function in a manner that makes the Glock fire multiple bullets with only one trigger pull



6. In the same account, agents found what appeared to be instructions on affixing the Glock auto-sear switch to a firearm. One page of the instructions read, “your full-auto modification device consists of three parts: selector rod, disconnector, and conversion back plate or end cap.” The same page also depicted a diagram of how to use the Glock auto-sear to make the firearm “Semi Auto” or “Full Auto”. Photos of the instructions are pasted below. Based on a review of Subject Account 1 the below

photos were last modified in the iCloud account between 2017 and 2018 and remained saved to the iCloud account as of on or about March 17, 2023. In the photo immediately below, the red arrow appeared in the original photo retrieved from Subject Account 1



7. In this same account, agents also located videos of an unknown individual shooting a fully automatic handgun. Based on my training and experience, the handgun would have needed to be equipped with a Glock switch, auto-sear, or similar product to convert it into a fully automatic pistol.

BETUNI Supplies Glock Auto-sear Switch

8. According to Apple records, it appears that on or about July 23, 2021, at approximately 5:48 p.m. Pacific Time, Subject Phone 1 received a text from Individual 1 reading, “i need 1 switch asap bro” and “Can you get it to me?” Approximately 30 minutes later Subject Phone 1 texted Individual 2, “Bring me one switch tonight,” “Please,” “Put it in my mailbox” and “ok?” At approximately 6:39 p.m. that same day, Subject Phone 1 texted Individual 1, “Tonight one will be in my mailbox” and “I’ll let you know.” At approximately 10:04 p.m., Individual 1 texted Subject Phone 1, “I got it” and “thank u again cuz.” Subject Phone 1 responded, “no problem.”³

9. Based on the text messages described above, my knowledge of the investigation and my training and experience, BETUNI received a request from Individual 1 for a Glock auto-sear switch. BETUNI contacted Individual 2 and instructed Individual 2 to provide a Glock auto-sear switch in BETUNI’s mailbox. BETUNI then contacted Individual 1 and informed Individual 1 that the Glock auto-sear switch would be in his mailbox. Individual 1 told BETUNI that he picked up the Glock auto-sear switch obtained by BETUNI.

Search BETUNI’s Residence

10. On December 21, 2022, law enforcement executed search warrant 22 M 1016 at the Subject Premises. Amin BETUNI was not present when the warrant was executed, however, a woman who identified herself as BETUNI’s wife (Individual A) was present.

³ The messages quoted in this affidavit are being included without corrections for grammar or spelling.

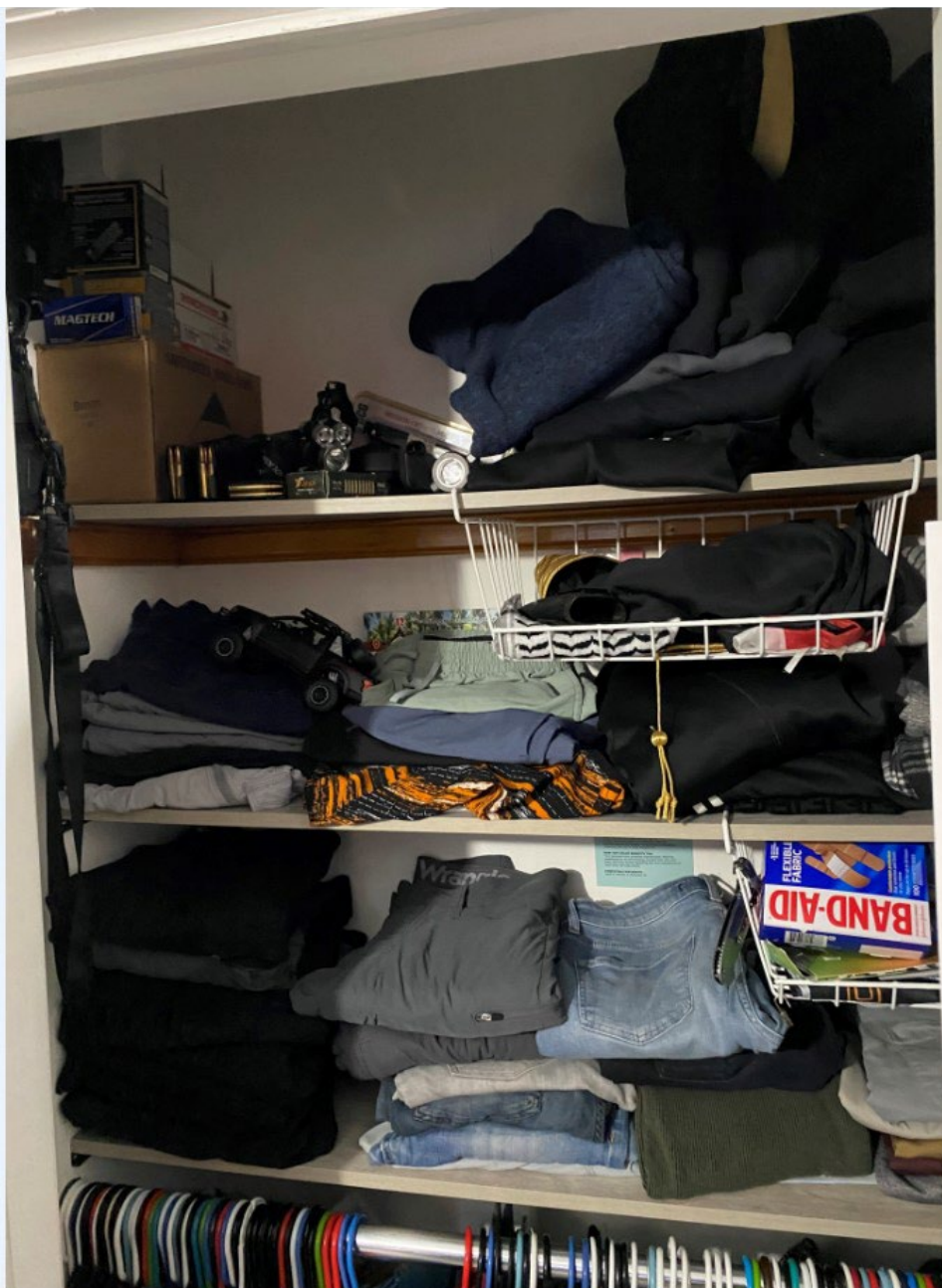
11. During the search, law enforcement seized \$20,000 cash⁴, approximately 28 pounds of suspected marijuana that was vacuum sealed in approximate one-pound quantities, a silencer and silencer components⁵, a Glock Model 26 pistol, a maverick Arms Model 88 12-gauge shotgun, a Sig Sauer Model M400 rifle, several large capacity drum magazines, bulk quantities of ammunition, and three Glock auto-sear switches.

12. More specifically, during the search of the primary bedroom, law enforcement observed two closets. One closet was larger and appeared to contain clothing and other items for an adult female. The other closet, Closet H, appeared to contain clothing and other items for an adult male. The clothing seemed be similar in size to BETUNI⁶. A picture of Closet H is pasted below:

⁴ The \$20,000 was administratively forfeited by Customs and Border Protection on April 13, 2023, because no one, including BETURNI, contested the seizure.

⁵ Title 18 U.S.C. § 921(a)(24), defines “firearm silencer” as “any device for silencing, muffling, or diminishing the report of a portable firearm. Including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.”

⁶ Law enforcement made a comparison based on the information listed on BETUNI’s State of Illinois driver’s license, United States Passport, and an in-person law enforcement interview on December 22, 2022



13. According to Individual A, the larger closet was hers and Closet H belonged to Amin BETUNI.

14. During a search of Closet H, law enforcement agents located a Band-Aid box (shown in the photograph above) that contained three suspected Glock auto-sear

switches. Pictures of the Band-Aid box and Glock auto-sear switches are pasted below.





15. Based on my training and experience, I know that Glock auto-sear switches are typically comprised of three components: a selector rod, disconnect, and conversion back plate. The photo immediately above depicts three Glock auto-sear switches recovered from the Subject Residence, the top row right shows the selector rod, disconnect, and conversion back plate side-by-side. The top row left shows a partially assembled Glock auto-sear switch and the bottom row left shows a fully assembled Glock auto-sear switch on what appears to be a key chain.

16. During the search of the Subject Premises, also in Closet H, approximately three feet from the Band-Aid box containing three Glock auto-sear switches, agents recovered a loaded Glock, Model 26, 9mm pistol which, according to ATF records, was purchased by BETUNI; a shotgun and a rifle in the closet, which

according to ATF records were both purchased by BETUNI, and ammunition. A photo of the pistol and rifle is pasted below:



17. Based a review of the Glock firearm by an ATF agent who was present at the search warrant, the back of the Glock Model 26 appeared to have tool marks. Based on the ATF agent's training and experience, these markings are consistent with someone filing down a portion of the firearm to install a Glock auto-sear switch.

Examination of the Glock Auto-Sear Switches

18. On or about April 3, 2023, the three Glock auto-sears were inspected by the Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearms and Ammunition Technology Division. According to the Firearms and Ammunition Technology

Division, an inspection and classification of each of the three Glock auto-sear switches that were in BETUNI's closet was conducted and it was determined that each of the three items are "machineguns" as defined in 26 USC 5845(b) and 18 USC 922(o).

CONCLUSION

19. For all these reasons, there is probable cause to believe that Amin BETUNI possessed a machinegun, in violation of Title 18, United States Code, Section 922(o).

FURTHER AFFIANT SAYETH NOT.

Type text here /s/ Daniel Nugent (MDW with permission)
DANIEL NUGENT
Homeland Security Investigations

SWORN TO AND AFFIRMED by telephone July 10, 2023.



Honorable M. DAVID WEISMAN
United States Magistrate Judge